

**FINAL REPORT
OF THE
CENSUS DATA ADVISORY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

October, 1999

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1999

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Census Data Advisory Committee

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Fiscal Analyst for Committee

Robert Rudolph
Attorney for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY DIRECTIVE

The responsibilities of the Census Data Advisory Committee are found in IC 2-5-19-19. The responsibilities are as follows:

- (1) Advise and assist the Bureau of the Census in the preparation and organization of decennial data for use by the General Assembly in reapportioning the following:
 - (A) The House of Representatives of the General Assembly.
 - (B) The Senate of the General Assembly.
 - (C) The United States House of Representatives.
- (2) Work with the Bureau of the Census in defining the boundaries of census blocks in Indiana.
- (3) Coordinate Indiana's efforts to obtain an accurate population count in each decennial census.
- (4) Work with other state and federal agencies to assist in the local review program conducted in Indiana.
- (5) Work with the Code Revision Commission to prepare legislation for introduction in the regular session of the General Assembly that meets during the year of the effective date of the decennial census under IC 1-1-3.5 to propose amendments to Indiana law to reflect the population information obtained as a result of the decennial census.
- (6) Study costs and other relevant aspects of acquisition by the state of a geographic information system.
- (7) Make recommendations concerning changes or amendments to IC 3 (the election code) to the General Assembly.

The Indiana General Assembly enacted legislation (P.L. 176-1999, Section 141) directing the Committee to do the following:

"The Census Data Advisory Committee shall study the desirability of permitting absentee ballots to be cast at a county election board office by using a direct recording electronic voting system. The study must include the following:

- (1) whether the use of such a system by voters who:
 - (A) cast absentee ballots; and
 - (B) subsequently become disqualified before election day;
- (2) any other issues related to the implementation of absentee voting by a direct recording electronic voting system that would require the enactment of legislation by the General Assembly."

This directive expires January 1, 2000.

II. INTRODUCTION AND REASONS FOR STUDY

The U.S. Bureau of the Census is in the final planning phase for Census 2000. Preparation for Census 2000 includes coordination of Indiana's efforts to obtain an accurate population count in the decennial census. The completion of the Block Boundary Suggestion Program will assist in obtaining an accurate census count.

III. SUMMARY OF WORK PROGRAM

The Committee met three (3) times during the interim.

The first meeting was held on August 19, 1999. The Committee discussed the following topics:

- The statutory and legislative directives of the Committee.
- Block Boundary Suggestion Program update.
- Indiana Election Division update.
- Preliminary draft legislation.
- Census 2000 activity update.

The Committee held its second meeting on September 15, 1999. At this meeting the Committee heard testimony and discussed the following topics:

- Description of the racial and ethnic matrix that will be used in the Census 2000.
- Preliminary draft legislation.
- Proposed funding request for Census 2000 activities.

The third meeting of the Committee was held on October 14, 1999. The Committee discussed the following topics:

- Preliminary draft legislation.
- The use of a direct recording electronic voting system for the casting of absentee ballots.
- Draft annual report.

IV. SUMMARY OF TESTIMONY

The Committee heard testimony regarding the following topics:

Block Boundary Suggestion Program (BBSP) Update

Maureen Bard discussed changes from the 1990 Census and the 2000 Census. She stated that the differences include the representation of local community groups on the complete count committees. Census 2000 will use two sets of data (versus one set of data for the 1990 Census) and a racial matrix. Ms. Bard described the racial and ethnic matrix that will be used in the Census 2000.

Ms. Bard briefly discussed the population changes that have occurred in Indiana's counties from 1997 to 1998.

Ms. Bard reported that the BBSP has done several mailings to counties to establish communication regarding the establishment of corporate boundaries and the need to report new construction so that the Census Bureau mailing lists can be as up to date as possible.

Mark Stratton described mapping and redistricting computer software that is currently available.

Mr. Stratton reported that 89 of the 92 county maps have been reviewed. He stated that 50 counties have responded to the BBSP inquiries and that 45 county maps have been sent to the Census Bureau.

Mr. Stratton stated that the National Conference of State Legislatures is hosting a redistricting conference in November. Mr. Stratton stated that information would be brought back for Committee members.

Census 2000 Activities

Morton Marcus and Carol Rogers, Indiana Business Research Center, Indiana University Kelly School of Business, provided committee members with a progress report on Indiana's Census 2000 project.

Mr. Marcus reported that funding for Census 2000 activity was not provided in the biennial budget passed in the 1999 legislative session. Mr. Marcus presented committee members with a proposed funding request of \$200,000 for Census 2000 activities. The proposed funding includes \$120,000 for promotional materials and travel and \$80,000 for direct assistance to local governments for Census 2000 activities which include the Boundary and Annexation Survey, Address List Review Appeals, and the New Construction Program. Mr. Marcus stated that a request has been submitted to the Budget Agency for \$185,000 for the hiring of three staff members.

Mr. Marcus reported that a contract for \$185,000 was signed with the Indiana Department of Commerce for the hiring of three staff members who will perform 2000 Census activities. He added that the Legislative Council had the \$200,000 funding request on the October 14, 1999, agenda. Mr. Marcus stated that the \$200,000 funding request includes funding for direct assistance to local government which is vitally important since the Census Bureau has created anew form requesting that all local governments report new construction to the Census Bureau so that address lists are kept current.

Ms. Rogers stated that the Census Bureau will provide personal assistance for illiterate individuals in filling out the Census survey and has developed assistance models to be used in the hard to count areas in a county. Ms. Rogers also stated that the Census Bureau will use a special enumeration process for counting individuals who do not have an address, such as homeless individuals or those living in a shelter or dormitory style housing.

Ms. Rogers stated that the Census Bureau is having difficulty in employing qualified individuals to assist with Census 2000 activities.

Matt Braze, Indiana Association of Cities and Towns (IACT), stated that IACT has promoted Census 2000 through regional meetings, mayor round table discussions, an annual meeting workshop, and the IACT monthly publication.

Indiana Election Division

Spencer Valentine, Co-Director, and Laurie Christie, Former Co-Director, Indiana Election Division, updated committee members on the Division's progress toward maintaining the state's voter registration list as required by the National Voter Registration Act. The Division has contracted with Quest Information Systems to conduct a survey of Indiana's counties regarding, but not limited to, each county's computer system capabilities for maintaining the county's voter registration list and to determine if the county is meeting state specified standards for maintaining the voter registration list. Based upon the survey results, the Election Division may

revise the state specified standards for maintaining voter registration lists.

The Committee discussed potential costs and options for maintaining the state's voter registration lists.

Brad King, Co-General Counsel, explained five preliminary drafts to committee members. The preliminary drafts addressed the following issues: 1) Public question ballot language; 2) Election law date references; 3) State certifying official references; 4) Miscellaneous election law changes; and 5) Campaign finance.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact:

- Statewide Census 2000 activities need adequate funding to ensure that Indiana has an accurate count and is not at risk of losing federal funding or a Congressional seat.
- The public question ballot language regarding the appeal of criminal convictions to the Indiana Supreme Court should provide the voters with as much information as possible while at the same time being easy to understand.
- There is a need to change the references to the "state certifying official" in the Indiana Code to "the office of the Secretary of State."
- Clarification language needs to be made to the current campaign finance statute, specifically IC 3-5-2-6 and IC 3-9.
- Technical changes need to be made relating to the powers and duties of the Lake County Board of Elections and Registration and the board's director.
- Reconcile changes made by two bills during the 1999 session of the General Assembly concerning the ability of a voter to return to the precinct of the voter's former residence to vote.

The Committee made the following recommendations:

- **PD 3035** - Public question ballot language. The Committee recommends that **PD 3035** be converted to a bill and adopted by the General Assembly. The preliminary draft establishes the ballot language for submission of an amendment to the Constitution of the State of Indiana concerning taking appeals of criminal convictions to the Indiana Supreme Court. The vote was 6 yeas and 0 nays.
- **PD 3037** - State certifying official references. The Committee recommends that **PD 3037** be converted to a bill and adopted by the General Assembly. The preliminary draft changes references to the "state certifying official" in the Indiana Code to "the Office of the Secretary of State." The vote was 6 yeas and 0 nays.
- **PD 3225** - Miscellaneous election law changes. The Committee recommends that **PD 3225** be converted to a bill and adopted by the General Assembly. The preliminary draft makes a number of technical changes to Indiana election law. The changes include the following: 1) Action taken by the state or a political subdivision on a state legal holiday is valid. (Currently, this provision applies only to an action taken by the General Assembly on a state holiday.) 2) Technical changes are made relating to the powers and duties of

the Lake County Board of Elections and Registration and of the board's director. 3) Changes are incorporated to reconcile two bills passed during the 1999 session of the General Assembly concerning the ability of a voter to return to the precinct of the voter's former residence to vote. 4) Proxies are not permitted in a caucus to fill a candidate or an office vacancy. 5) Procedure are stated for issuance of a commission to individuals appointed pro tempore to certain county offices. 6) Changes are made in the statute that provides for giving notice of resignation of a public officer. 7) Certain statutes under which school corporations may reorganize or engage in certain real property transactions are revised to reflect current law relating to local public questions. 8) An employee of a political subdivision may be a candidate for an elected or appointed office and serve in the office if elected or appointed without resigning from employment with the political subdivision. 9) A town legislative body may not adopt a resolution to change the town into a city during the period beginning on the first day a declaration of candidacy for a primary in a municipal election year may be filed and ending on the day after the day of the municipal election. **PD 3225** was amended by consent to include language that provides that a repeat public test of an optical scan ballot card voting system that tabulates ballots at a polling place is not required. The effective date is Retroactive: November 1, 1999. The vote was 7 yeas and 0 nays.

- **PD 3271** - Campaign finance. The Committee recommends that **PD 3271** be converted to a bill and adopted by the General Assembly. The changes to the campaign finance law include the following: 1) An individual who takes action necessary to qualify under Indiana law for listing on the ballot or to become a write-in candidate is considered a candidate. 2) Procedures are established for succession in the position of a political committee's chairman or treasurer if the position becomes vacant. 3) Requirements are established for the transfer of a political committee's property by an outgoing treasurer of the committee. 4) Civil penalties are allowed to be imposed on the treasurer of a political committee who does not file certain campaign finance reports. 5) The reporting period for the first campaign finance report of a candidate for nomination to office in a town convention begins on the date the individual becomes a candidate and ends on the date following the date of adjournment of the town convention. 6) Expenditure codes are not required to be used for campaign finance reports covering reporting periods before January 1, 2000. **PD 3271** page 2, line 8, was amended by consent to read "thirty (30) days." The vote was 7 yeas and 0 nays.
- **PD 3272** - Election law date references. The Committee recommends that **PD 3272** be converted to a bill and adopted by the General Assembly. The preliminary draft updates certain reference dates relating to election law. It also makes other technical changes. The vote was 8 yeas and 0 nays.

VI. APPROVAL

This Annual Report was unanimously approved by roll call vote by the Committee at its October 14, 1999, meeting.

WITNESS LIST

Maureen Bard, Legislative Services Agency, Block Boundary Suggestion Program

Matt Brase, Indiana Association of Cities and Towns

Laurie Christie, Former Co-Director, Indiana Election Division

Brad King, Co-General Counsel, Indiana Election Division

Morton Marcus, Indiana Business Research Center, Indiana University Kelly School of Business

Kristi Robertson, Co-General Counsel, Indiana Election Division

Carol Rogers, Indiana Business Research Center, Indiana University Kelly School of Business

Mark Stratton, Legislative Services Agency, Block Boundary Suggestion Program

Spencer Valentine, Co-Director, Indiana Election Division